

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA**

RAMON A. PANIAGUA

CIVIL ACTION NO. 06-1347

VS.

SECTION P

DANIEL STANFORD

JUDGE DOHERTY

MAGISTRATE JUDGE HILL

ORDER

_____ Before the court is the Motion to Stay filed on November 27, 2006 by *pro se* plaintiff, Ramon A. Paniagua. [rec. doc. 9]. By this Motion, Paniagua requests that this court stay his pending civil rights action until a decision on his upcoming § 2255 Motion is rendered. The undersigned has recommended that the instant action be dismissed with prejudice because it is barred by the principles set forth by the United States Supreme Court in *Heck v. Humphrey*, 512 U.S. 477, 114 S.Ct. 2364, 129 L.Ed.2d 383 (1994). That recommendation is based on what the undersigned believes to be binding Fifth Circuit precedent. *See Johnson v. McElveen*, 101 F.3d 423, 424 (5th Cir.1996) (explaining that claims barred by *Heck* are “dismissed with prejudice to their being asserted again until the *Heck* conditions are met”). Accordingly, Paniagua’s Motion to Stay must be denied.

IT IS THEREFORE ORDERED that plaintiff’s Motion to Stay [rec. doc. 9] is
DENIED.

THUS DONE AND SIGNED in Chambers at Lafayette, Louisiana on December 5,
2006.



C. MICHAEL HILL
UNITED STATES MAGISTRATE JUDGE